

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

LOS REYES FIREWOOD and PABLO  
REYES, JR., EIN 90-0998464,

Plaintiffs,

vs.

Civ. No. 14-1133 KG/WPL

GOVERNOR SUSANA MARTINEZ;  
CONDADO DE SOCORRO SHERIFF'S  
DEPUTY KYLE HALEY; AND OTHER  
JOINDER PARTIES NOT YET  
MENTIONED,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendant Kyle Haley's Motion to Dismiss in Lieu of Answer (Motion to Dismiss), filed on December 17, 2014. (Doc. 3). Plaintiffs have not responded to the Motion to Dismiss. (Doc. 7). Having reviewed the Motion to Dismiss as well as the Complaint for Tax Fraud Damages by Existing RICO Enterprise's Simple Arrest Conspiracy (Complaint) (Doc. 1-1), the Court grants the Motion to Dismiss.

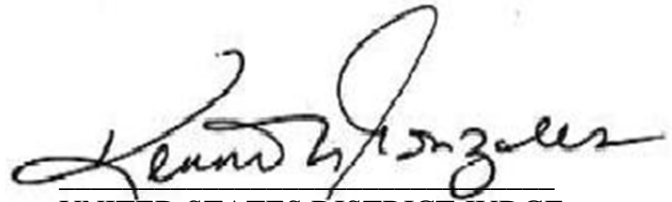
Defendant Haley moves to dismiss the Complaint for failure to (1) provide a short and plain statement of the claims showing that Plaintiffs are entitled to relief, and (2) state a claim upon which relief can be granted. Federal Rule of Civil Procedure 8(a)(2) "requires only 'a short and plain statement of the claim showing that the pleader is entitled to relief,' in order to 'give the defendant fair notice of what the ... claim is and the grounds upon which it rests.'" *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). Federal Rule of Civil Procedure 12(b)(6) provides for dismissal of a cause of action when the plaintiff fails "to state a claim upon which relief can be granted." Under Rule 12(b)(6),

the complaint “need only contain enough allegations of fact ‘to state a claim to relief that is plausible on its face.’” *Christensen v. Park City Mun. Corp.*, 554 F.3d 1271, 1276 (10th Cir. 2009) (quoting *Twombly*, 550 U.S. at 570).

Plaintiffs’ Complaint does not contain a short and plain statement of the claims showing that Plaintiffs are entitled to relief nor do the factual allegations in the Complaint state a claim to relief that is plausible on its face. *See* (Doc. 1-1). Plaintiffs, therefore, failed to comply with Rule 8(a)(2) and dismissal is appropriate under Rule 12(b)(6). Consequently, the Court will dismiss the Complaint without prejudice.

IT IS ORDERED that

1. the Motion to Dismiss in Lieu of Answer (Doc. 3) is granted; and
2. the Complaint will be dismissed without prejudice, thereby terminating this lawsuit.



UNITED STATES DISTRICT JUDGE